

By: Harless

H.B. No. 1562

A BILL TO BE ENTITLED

AN ACT

relating to notice provided when a bail bond surety is in default.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Article 17.11, Code of Criminal Procedure, is amended by amending Section 2 and adding Section 3 to read as follows:

Sec. 2. Provided, however, any person who has signed as a surety on a bail bond and is in default thereon shall thereafter be disqualified to sign as a surety so long as the person ~~[he]~~ is in default on the ~~[said]~~ bond. It shall be the duty of the clerk of the court where the ~~[wherein such]~~ surety is in default on a bail bond~~[7]~~ to notify in writing the sheriff, chief of police, or other peace officer~~[7]~~ of the ~~[such]~~ default. If a bail bond is taken for an offense other than a Class C misdemeanor, the clerk of the court where the surety is in default on the bond shall send notice of the default by certified mail to the last known address of the surety.

Sec. 3. A surety is considered to be ~~[shall be deemed]~~ in default from the time execution may be issued on a final judgment in a bond forfeiture proceeding under the Texas Rules of Civil Procedure, unless the final judgment is superseded by the posting of a supersedeas bond.

SECTION 2. The change in law made by this Act to Article 17.11, Code of Criminal Procedure, applies only to a bail bond that is executed on or after the effective date of this Act. A bail bond

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1 executed before the effective date of this Act is governed by the
2 law in effect when the bail bond was executed, and the former law is
3 continued in effect for that purpose.

4 SECTION 3. This Act takes effect September 1, 2013.